

Appl. No. 10/645,406
Docket No. 41PR-132813/GEN-0391

REMARKS / ARGUMENTS

Status of Claims

Claims 1-27 are pending in the application. Claims 1-21 and 26-27 are allowed. Claims 22-24 stand rejected. Claim 25 is objected to as being dependent upon a rejected claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the Examiner's comments regarding the allowability of the noted claims. Applicant has amended Claims 22 and 25, and has added new Claim 28, leaving Claims 1-28 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §102 have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Rejections Under 35 U.S.C. §102

Claims 22-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kagohara et al. (JP 10-243507, hereinafter Kagohara).

Claims 22-24 stand rejected under 35 U.S.C. §102(e) as being anticipated by Longardner et al. (U.S. Patent No. 6,909,349 B1, hereinafter Longardner).

Hereinafter, Kagohara and Longardner are collectively referred to as the References.

Applicant traverses these rejections for the following reasons.

Applicant respectfully submits that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference.*" *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the *** claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements

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"arranged as in the claim." Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. Titanium Metals Corp. v. Banner, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

The Examiner comments that Claim 25, which is dependent from Claim 22, would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended Claims 22 and 25 so that Claim 22 now incorporates language from Claim 25. As such, Claim 22 now recites, inter alia,

"...another sensor in signal communication with the transformer, *the another sensor arranged for signal communication with an electrical disconnect device*..."

No new matter has been added by these amendments as antecedent support may be found in the specification as originally filed, such as in the original claims for example.

Dependent claims inherit all of the limitations of the respective parent claim.

In comparing the cited References with the claimed invention, Applicant submits that the References fail to disclose *another sensor* in signal communication with the transformer, *the another sensor arranged for signal communication with an electrical disconnect device*.

Accordingly, Applicant submits that the References do not separately disclose all of the claimed elements arranged as in the claim, and absent anticipatory disclosure of each and every element of the claimed invention arranged as in the claim, the References cannot be anticipatory.

In view of the amendment and foregoing remarks, Applicant respectfully submits that the Examiner's rejections under 35 U.S.C. §102 have been traversed, and requests that the Examiner reconsider and withdraw these rejections.

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Regarding New Claim 28

Applicant has added new Claim 28, which incorporates language originally presented in now amended Claim 25, and further includes subject matter disclosed in the specification as originally filed but not claimed. No new matter has been added.

In view of the allowability of Claim 25, Applicant submits that new Claim 28 is directed to allowable subject matter and respectfully requests notice of allowance thereof.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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